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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Bestov Broadcasting, Inc.	)	File No.: EB-FIELDSCR-13-00010134
	)	
Licensee of Radio Station WI2XAC	)	NOV No.: V201332680005
	)	
Ponce, Puerto Rico	)	Facility ID: 132564
	)	

**NOTICE OF VIOLATION**

**Released: August 14, 2013**

By the Resident Agent, San Juan Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Bestov Broadcasting, Inc., licensee of experimental AM radio station WI2XAC in Ponce, Puerto Rico. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On July 25, 2013, an agent of the Enforcement Bureau's San Juan Office inspected Station WI2XAC's transmitter site, and observed the following violations:

- a. 47 C.F.R. § 73.49: "Antenna towers having radio frequency potential at the base must be enclosed within effective fences or other enclosures." The agent observed that the gate of the wooden fence around the tower had collapsed, providing access to the tower base. Moreover, the perimeter property fence and gate had multiple missing planks, thereby rendering it ineffective.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Bestov Broadcasting, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> 47 U.S.C. § 403.

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completion of any pending corrective action(s). The response must describe Bestov Broadcasting, Inc.'s maintenance and inspection procedures for its AM transmission system fencing. The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Bestov Broadcasting, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Bestov Broadcasting, Inc. with personal knowledge of the representations provided in Bestov Broadcasting, Inc.'s response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in Bestov Broadcasting, Inc.'s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

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<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
San Juan Office  
US Federal Building Room 762  
San Juan, PR 00918-1731

6. This Notice shall be sent to Bestov Broadcasting, Inc. at its address of record.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

William Berry  
Resident Agent  
San Juan Office  
South Central Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).